



**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 711**

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S711-ABP-29 [v.1]

Page 1 of 2

Amends Title [NO]  
S711-CSBPx-20 [v.5]

Date \_\_\_\_\_, 2021

Senator \_\_\_\_\_

moves to amend the bill on page 22, lines 47-48, by inserting the following between the lines:

**"SECTION 4.5.(a).** G.S. 15A-974 reads as rewritten:

**"§ 15A-974. Exclusion or suppression of unlawfully obtained evidence.**

(a) Upon timely motion, evidence must be suppressed if:

- (1) Its exclusion is required by the Constitution of the United States or the Constitution of the State of North Carolina; or
- (2) It is obtained as a result of a substantial violation of the provisions of this Chapter. In determining whether a violation is substantial, the court must consider all the circumstances, including:
  - a. The importance of the particular interest violated;
  - b. The extent of the deviation from lawful conduct;
  - c. The extent to which the violation was willful;
  - d. The extent to which exclusion will tend to deter future violations of this Chapter.

Evidence shall not be suppressed under this subdivision if the person committing the violation of the provision or provisions under this Chapter acted under the objectively reasonable, good faith belief that the actions were lawful.

(a1) If evidence was obtained as the result of a search that was supported by probable cause at the time of the search, no evidence obtained as a result of that search shall be suppressed solely on the basis of either of the following:

- (1) A subsequent determination that a substance believed to be a controlled substance at the time of the search was not a controlled substance.
- (2) A subsequent determination that the presence of a controlled substance at the time of the search was not a violation of law.

(b) The court, in making a determination whether or not evidence shall be suppressed under this section, shall make findings of fact and conclusions of law which shall be included in the record, pursuant to G.S. 15A-977(f)."



\* S 7 1 1 - A B P - 2 9 - V - 1 \*

**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 711**

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

S711-ABP-29 [v.1]

Page 2 of 2

1                   **SECTION 4.5.(b).** This section becomes effective December 1, 2021, and applies to  
2 motions filed on or after that date."  
3

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_